

ENTERED

April 21, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

JASON GARCIA,

Plaintiff,

VS.

SAIA, INC.,

Defendant.

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CIVIL ACTION NO. 1:21-CV-170

ORDER

Plaintiff Jason Garcia filed this employment discrimination lawsuit in Texas state court after he was terminated by his former employer, Defendant Saia Motor Freight Line, LLC. After removing the case to federal court, Saia moved for dismissal, in part on the grounds that Garcia did not timely file his Charge of Discrimination with the Texas Workforce Commission and therefore failed to exhaust his administrative remedies. (Motion, Doc. 6) Garcia filed a Response to the Motion to Dismiss, but did not counter Saia's exhaustion argument. (*See* Response, Doc. 16)

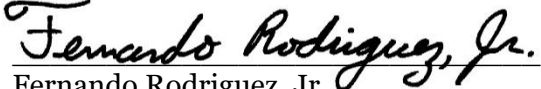
A United States Magistrate Judge recommends that the Motion to Dismiss be granted and Garcia's claims dismissed for failure to exhaust his administrative remedies. (R&R, Doc. 20) No objections were filed to the Report and Recommendation, and the Court finds no clear error within it.

As a result, the Court **ADOPTS** the Report and Recommendation (Doc. 20). It is:

ORDERED that Defendant Saia Motor Freight Line, LLC's Motion to Dismiss (Doc. 6) is **GRANTED**; and

ORDERED that Plaintiff Jason Garcia's causes of action against Defendant Saia Motor Freight Line, LLC are **DISMISSED WITH PREJUDICE** for failure to state a claim upon which relief can be granted.

Signed on April 21, 2022.


Fernando Rodriguez, Jr.
United States District Judge